



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,117	10/30/2001	David D. Faraldo II	05220.P002X	7950

7590 12/10/2010  
Andre M. Gibbs  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

EXAMINER
----------

TAYLOR, NICHOLAS R

ART UNIT	PAPER NUMBER
----------	--------------

2441

MAIL DATE	DELIVERY MODE
-----------	---------------

12/10/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/016,117	<b>Applicant(s)</b> FARALDO, DAVID D.	
	<b>Examiner</b> Nicholas Taylor	<b>Art Unit</b> 2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,7-10,15-18,23-26,29 and 41-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-10,15-18,23-26,29 and 41-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/1/10</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1, 2, 7-10, 15-18, 23-26, 29, and 41-44 have been presented for examination and are rejected.

2. A board decision was rendered on August 30th, 2010. In the decision, the Examiner's rejections under 35 U.S.C. §§ 102 and 103 were pro forma reversed in order to enter a new ground of rejection under 35 U.S.C. § 112 second paragraph. The Board did not reach the merits of the anticipation and obviousness rejections. Applicant amended the claims on September 28th, 2010 to overcome the Board's rejection.

### ***Response to Arguments***

3. Applicant's arguments filed September 28th, 2010, have been fully considered and are deemed to overcome the grounds of rejection under 35 U.S.C. § 112 second paragraph.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application

Art Unit: 2441

filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 7-9, 15-17, 23-25, 29, and 41-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Dempsey et al. (U.S. Patent 6,507,852).

6. As per claims 1, 9, 17, and 25, Dempsey teaches a method, comprising:

detecting an occurrence of a predetermined event associated with a standard notification rule that is configured to generate a first notification, upon an occurrence of the predetermined event, to a first person in a hierarchy; (Dempsey, see fig. 2 including overview of col. 1 line 51, to col. 2 line 8 including notifications of col. 2, lines 21-35; see alert policy of col. 4, line 44 to col. 5, line 26)

determining whether an advanced notification rule associated with the standard notification rule is enabled; (Dempsey, see col. 5, lines 14-33 including checking for an advanced rule to determine if a notification alert action should be sent)

generating the first notification, upon occurrence of the predetermined event, to the first person in the hierarchy if the advanced notification rule is not enabled; and (Dempsey, see fig. 2 including overview of col. 1 line 51, to col. 2 line 8 including notifications of col. 2, lines 21-35 and alert policy of col. 4, line 44 to col. 5, line 26, where a standard notification is generated)

preempting the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated if the advanced notification rule is enabled (Dempsey, see, e.g., col. 5, lines 14-33 where an advanced notification rule suspends generation of the initial notification alert).

7. As per claims 7, 15, and 23, Dempsey teaches the system further wherein the advanced notification rule includes a scope and wherein the scope of the advanced notification rule is configured by at least one of the group consisting of a company, a satellite, a host assigned to a company, a service configured on a host for a company, a check type, a host state, a service state, a contact group, and a message pattern (Dempsey, see col. 5, lines 14-33 and col. 4, line 44 to col. 5, line 26).

8. As per claims 8, 16, and 24, Dempsey teaches the system further where the advanced notification rule is configured to preempt the standard notification rule for a temporary amount of time (Dempsey, see, e.g., col. 5, lines 14-33 where an advanced notification rule suspends generation of the initial notification alert).

9. As per claim 29, Dempsey teaches the system further wherein the communications device transmit the first notification to the first person in the hierarchy and the processor acknowledges the first notification (Dempsey, see, e.g., col. 5, lines 14-33).

10. As per claims 41, 42, 43, and 44, Dempsey teaches the system further wherein the processor is configured to enable the advanced notification rule to preempt the standard notification rule while continuing monitoring for the predetermined event

Art Unit: 2441

(Dempsey, see process of figs. 4A, 4B, 4C and col. 8, lines 40-65 where the monitoring process continues).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2, 10, 18, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dempsey et al. (U.S. Patent 6,507,852) and Graf (U.S. Patent 5,619,656).

13. As per claims 2, 10, 18, and 26, Dempsey teaches the above, yet fails to teach the system further comprising: generating a second notification to a second person in the hierarchy based on the advanced notification rule.

Graf teaches an event notification system (Graf, col. 5, lines 38-41) that redirects an additional notification to a specific person (Graf, col. 21, lines 37-44), generates supplemental notifications to second persons (Graf, col. 21, lines 30-50), suspends a standard notification (Graf, col. 20, lines 1-5), and automatically acknowledges notifications (Graf, col. 20, lines 50-67).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have combined Dempsey and Graf to provide the notification

Art Unit: 2441

system of Graf in the system of Dempsey, because doing so would enable a tool that automatically detects and informs administrators of problems in networking systems in a manner that is more efficient than statically determining notification destinations (Graf, col. 3, lines 8-24).

### ***Conclusion***

14. Applicant's amendment necessitated any new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:30am to 5:00pm.

Art Unit: 2441

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/NT/  
Nicholas Taylor  
Examiner  
Art Unit 2441

/Larry Donaghue/  
Primary Examiner, Art Unit 2454